IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE AND VARIANCE - NE/S Taylor Ave. and NW/S Old Harford Rd. (2616 Taylor Avenue and

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY 7804 Old Harford Road)

9th Election District * Case No. 93-302-SPHA 6th Councilmanic District

Guiseppe Castellano, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing and a Petition for Variance filed by the owners of the subject property, Guiseppe and Santa Castellano. The Petitioners request a special hearing to approve the use of the yard space or minimum area required for parking for one building or use on R.O. zoned property as part of the yard space or minimum area required for parking for another building or use on an adjacent property, zoned B.L., as being consistent with Section 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioners also seek variance relief from Section 409.8.A.1 of the B.C.Z.R. to permit a landscape buffer setback of 0 feet in lieu of the minimum required 10 feet, and amenity open space of 0% in lieu of the minimum required 7%, all as more particularly described on Petitioner's Exhibits 1 and 2.

Appearing on behalf of the Petitions were Guiseppe Castellano, property owner, and Bruce Doak, Professional Engineer with Gerhold, Cross & Etzel. Appearing as an interested party was Ruth Baisden, a nearby property owner. There were no Protestants at the hearing.

Testimony indicated that the subject properties, known as 2616 Taylor Avenue and 7804 Old Harford Road, consist of approximately .393 acres and .155 acres, respectively, and are located at the corner of Old zoned B.L. and is improved with a one-story building which is used as a beauty salon. The property at 7804 Old Harford Road is zoned R.O. and is improved with a two-story residential dwelling. Testimony indicated that the Petitioner has operated a beauty salon at 2616 Taylor Avenue for the past 12 years. Mr. Castellano testified that over the years, his business has grown and customer parking has become a problem. Mr. Castellano stated that he purchased the adjoining property at 7804 Old Harford Road approximately six months ago with the intention of locating the additional parking needed for his business to the rear of that property. Mr. Castellano testified that he rents out the dwelling for residential purposes. Testimony indicated that the Petitioner maintains his business in immaculate condition and that the intersecting corner of the property has been attractively landscaped. The Petitioner testified that he is willing to provide additional landscaping, if necessary, and will work with Avery Harden, the Landscape Architect for Baltimore County, regarding the loca-

Harford Road and Taylor Avenue. The property at 2616 Taylor Avenue is

Ms. Ruth Baisden, a nearby resident of the area, appeared and testified. Ms. Baisden testified that she wanted to insure that the Petitioner would not be removing any of the existing landscaping on site. She testified that the Petitioner has a good business and maintains the property in a neat and orderly fashion. She further testified that she is not opposed to additional parking being located to the rear of the residence at 7804 Old Harford Road in that those parking spaces will not be visible from Old Harford Road.

tion and type of landscaping required.

It should be noted that there currently exists five (5) parking spaces, including one handicapped space, on the south side of the subject

- 2-

property along Taylor Avenue. These parking spaces, which have existed for a long period of time, have a limited back-out area. As a result, it was determined that it would not be a good idea for customers to utilize these spaces. It was agreed that the Petitioner's employees will park in these four parking spaces in order to reduce the amount of traffic using these spaces and cut down on any potential traffic hazard. The customers will use those other parking spaces available on the site.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the relief requested in the special hearing and variances are not granted. It has been established that special circumstances or conditions

- 3-

exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6 day of May, 1993 that the Petition for Special Hearing to approve the use of the yard space or minimum area required for parking for one building or use on R.O. zoned property as part of the yard space or minimum area required for parking for another building or use on an adjacent property, zoned B.L., as being consistent with Section 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance requesting relief from Section 409.8.A.1 of the B.C.Z.R. to permit a landscape buffer setback of 0 feet in lieu of the minimum required 10 feet, and amenity open space of 0% in lieu of the minimum required 7%, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is

> > - 4-

Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The four parking spaces located on the south side of the subject site on Taylor Avenue shall be denoted as employee parking only. The handicapped parking space shall remain available for use by handicapped individuals.

3) Prior to the issuance of any permits, the Petitioner shall submit a landscape plan to Avery Harden, Baltimore County Landscape Architect, for review and approval. Mr. Harden shall require any additional landscaping that he deems appropriate, taking into consideration the limited areas on this site that are available for landscaping. A copy of the approved plan shall be submitted to the Zoning Administration office for inclusion in the case file prior to the issuance of any permits.

4) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Deputy Zoning Commissione:

TMK:bjs

for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

May 6, 1993

(410) 887-4386

Mr. & Mrs. Guiseppe Castellano 2616 Taylor Avenue Baltimore, Maryland 21234

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE NE/S Taylor Avenue, NW/S Old Harford Road (2616 Taylor Avenue and 7804 Old Harford Road) 9th Election District - 6th Councilmanic District Guiseppe Castellano, et ux - Petitioners Case No. 93-302-SPHA

Dear Mr. & Mrs. Castellano:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Very truly yours, Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: People's Counsel

7706 Oak Avenue, Baltimore, Md. 21234

ECEIVED FOR 1

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2616 Taylor Avenue which is presently sened

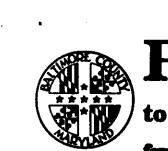
This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(e) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the use of the yard space or minimum area for parking area for one building or use, which is RO/ rental housing, as part of the yard space or minimum area of another adjacent building or use, which is BL, retail services, as being consistent with Section 102.2 of the Baltimore County Zoning

Property is to be posted and advertised as prescribed by Zoning Regulations. i, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this polition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County
VWe do automnly declare and affirm, under the penalties of perjury, that I/ve are the legal connected of the property which is the cubject of this Publics.

Contract Purchassoft.cooo:	Legal Constiti
(Type or Print Hame)	Guiseppe Castellano (Type or Print Name)
Faridire	Guineff Salla
Address	Santa Castellano
City Diate Speed	Sarta Castellano
Attempt for Publisher:	2616 Taylor Ave. (410) 665-4490
·	Baltimore MD 21234
(Pypio or Print Hanna)	City State Zoods Name, Address and phone number of legal corner, contrast purchaser or representat to be contested.
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City State Zpeeds	OFFICE USE ONLY
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10 MAY 3/8/93



ORD Dete

FOR FILING

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 2616 Taylor Avenue which is presently zoned

This Petition shall be filled with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.8.A.1 DESIGN, SCREENING & LANDSCAPING - DESIGN, SCREENING AND LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADDATED PURSUANT TO SEC. 22. 105 OF THE BALT. Co. CODE of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

0 foot setback on landscape buffer in lieu of the required 10 foot setback on the North 28 degrees 30 minutes East 104.12 foot and 38.00 foot line. 0% amenity open space in lieu of the required 7%.

Property is to be posted and advertised as prescribed by Zoning Regulations. i, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			(We do solemnly declare and affirm, under the penalties of perjury, that time ar legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lesses:			Legal Owner(s):
Type or Print Names			Guiseppe Castellano
			(Type or Print Name)
Ignature			Syram Carlette
ddress			Santa Castellano (Type or Print Name)
ty .	State	Zocode	Soneture Castellan
iomev for Petitioner:			- Grante
•			2616 Taylor Ave. (410) 665-44
ype or Print Name)			Address Phone No.
			Baltimore MD 21234
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grahme			City State Zipcode Name, Address and phone number of legal owner, contract purchaser or represent to be contacted. Name Address Phone No. OFFICE USE ONLY

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors SUITE 100 320 EAST TOWSONTOWN BOULEVARD TOWSON, MARYLAND 21286-5318

410-823-4470

FAX 410-823-4473

• 318 93-302-5PHA

PAUL &. DOLLEHBERS FRED H. DOLLENBERG CARL L. SERHOLD PHILIP K. CROSS or counsel JOHN F. ETZEL WILLIAM 6. ULRICH

February 18, 1993

ZONING DESCRIPTION No. 2616 Taylor Avenue and No. 7804 Old Harford Road Ninth Election District, Baltimore County, Maryland

Beginning at the intersection of the northeast side of Taylor Avenue, varying width right of way, and the northwest side of Old Harford Road, varying width right of way, thence running with the northeast side of Taylor Avenue the two (2) following courses and distances, viz: 1) 8.68 feet along a curve to the right having a radius of 35.00 feet and being subtended by a chord bearing North 58 degrees 56 minutes 05 seconds East 8.66 feet and 2) North 51 degrees 49 minutes 48 seconds West 58.42 feet, thence leaving said road and running the following five (5) courses and distances, viz: 3) North 28 degrees 30 minutes East 104.12 feet, 4) North 28 degrees 30 minutes East 38.00 feet, 5) North 61 degrees 30 minutes West 20.00 feet, 6) North 28 degrees 30 minutes East 12.00 feet and 7) South 61 degrees 30 minutes East 120.00 feet to the above mentioned side of Old Harford Road, thence with said northwest side of Old Harford road the following four (4) courses and distances, viz: 8) South 28 degrees 30 minutes West 50.00 feet, 9) North 61 degrees 30 minutes West 2.34 feet, 10) South 27 degrees 56 minutes 29 seconds West 71.67 feet and 11) 55.03 feet along a curve to the right with a radius of 65.00 feet being subtended by a chord bearing North 65 degrees 29 minutes 54 seconds East 53.40 feet to the place of beginning.

Containing 0.360 of an acre of land, more or less.

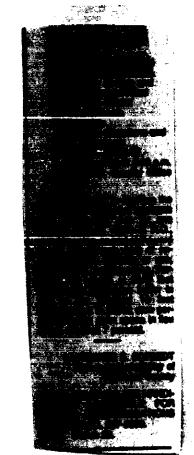
Being part of Lots 1, 2, 3, 4, and 11 as shown on a plat entitled "Villa Cresta" and recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7 Page 60. Also as described in Liber E.H.K.Jr. No. 6224, Folio 741 and Liber S.M. No. 9537, Folio 136 saving and excepting Liber E.H.K.Jr. 6367, Folio 795.



(410) 887-3353

7-302-SPHA

ideless: Special Herring & Verlance dictions: Guisoppe & Senta Lastelland cation of property: NES (2616) Taylor Hrong & Nuls Old Harford Rd. cation of Eggs. Fearing Yoodway, on Property of Pelihinar
cotion of property: NF/s (2616) Taylor Are, + Nu/s Old Horfo. & RJ.
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CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on ____

THE JEFFERSONIAN.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

NOTICE OF HEARING

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-302-SPHA (Item 318) NE/S Taylor Avenue and NM/S Old Harford Road 2616 Taylor Avenue and 7804 Old Harford Road 9th Election District - 6th Councilmanic

Petitioner(s): Guiseppe Castellano and Santa Castellano HEARING: THURSDAY, APRIL 22, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Special Hearing to approve the use of the yard space or minimum area for parking area for one building or use, which is R.O., rental housing, as part of the yard space or minimum area of another adjacent building or use, which is B.L., retail services. Variance to permit a zero foot setback on landscape buffer in lieu of the required 10 foot setback; and to permit zero percent amenity open space in lieu of the required 7 percent.

NOTE: HEARINGS ARE HAMDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

April 12, 1993

Mr. & Mrs. Guiseppe Castellano 2616 Taylor Avenue Baltimore, MD 21234

> RE: Case No. 93-302-SPHA, Item No. 318 Petitioner: Guiseppe Castellano, et al Petition for Special Hearing & Variance

Dear Mr. and Mrs. Castellano:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 8, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are simed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned soning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 29, 1993 Zoning Administration and Development Management

FROM Robert W. Bowling, P.E., Senior Engineer Development Plan Review

Zoning Advisory Committee Meeting for March 29, 1993 Item No. 318

3/16/93

PUBLIC HEARING FEES

020 -ZONING VARIANCE (OTHER)

040 -SPECIAL HEARING (OTHER)

LAST NAME OF OWNER: CASTELLAND

The Development Plan Review Division has reviewed the subject zoning item. We feel that the site plan should be modified to comply with the following comments:

- 1. Access to the site should be limited to one 24-foot wide entrance on each road.
- 2. The public road right-of-way may not be used for parking and/or maneuvering area; therefore, the six parking spaces along Taylor Avenue and the first two spaces along Old Harford Road should be eliminated.
- 3. We recommend denial of the requested 10-foot landscape buffer variance.
- 4. We support the zero-percent amenity open space variance.
- 5. Two other Landscape Manual variances are also needed - a 10-foot landscape buffer against the residential uses along the west and north property lines, and a 6-foot setback is required between the face of the building and the parking spaces. We recommend denial of both variances.

RWB: DAK: 6

BALTIMORE QUNTY, MARYLAND OFFICE OF FRENCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT VALIDATION OR SIGNATURE OF CASHIER YELLOW - CUSTOMER

99-302-SPHA

\$500.00

3/1/93

AMOUNT \$ 5 00:00

Account: R-001-6150

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PRICE

\$250.00

TOTAL: \$500.00

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VALIDATION OR SIGNATURE OF CASHIER

POR: ZON, PETITIONS.



Guiseppe and Santa Castellano 2616 Taylor Avenue Baitimore, Maryland 21234

DATE: 3 36 93

West Chesapeake Avenue

awson, MD 21204

RE: CASE NUMBER: 93-302-SPHA (Item 318) ME/S Taylor Avenue and NW/S Old Harford Road 2616 Taylor Avenue and 7804 Old Harford Road 9th Election District - 6th Councilmanic Petitioner(s): Guiseppe Castellano and Santa Castellano

HEARING: THURSDAY, APRIL 22, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Dear Petitioner(s):

Please be advised that \$ 106,05 is due for advertising and posting of the above captioned property and hearing date.

THE ZONING SIGN & POST SET(S) NUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Forward your check for the above fee via return mail to the Zoning Office, (ZADM), County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Please write the case number and hearing date on the check and make same payable to Baltimore County, Maryland. To avoid delay of the Zoning Commissioner's Order in your case, immediate attention to this matter is suggested.

O. James Lighthizer Secretary Hal Kassoff

Administrator

(410) 887-3353

3-17-93

Re: Baltimore County
Item No.: + 3/8 (LEO) Zoning Administration and **Development Management** County Office Building

Dear Ms. Winiarski:

Ms. Julie Winiarski

111 W. Chesapeake Avenue

Towson, Maryland 21204

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

My telephone number is 410-333-1350 Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

